

**Remarks/Arguments:****I. Status**

Claims 1 and 8 have been amended. Claims 1-21 are pending in this application.

In the November 8, 2004 Office Action, the Examiner:

1. Rejected claims 1-5 and 7-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,900,983 to Ford et al (hereinafter "Ford");
2. Objected to claims 6 and 12 as being dependent upon a rejected base claim; and
3. Allowed claims 13-21.

Applicant thanks the Examiner for the detailed explanation of the construction given to and basis for rejecting claims 1-5 and 7-11. Applicant has amended claims 1 and 8 to place those (and all other rejected) claims in condition for allowance based on the Examiner's comments. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

**II. The Rejection of Claims 1-5 and 7-11 under 102(b) Should be Withdrawn.***Discussion Regarding Patentability of Claim 1*

Applicant has amended claim 1 to recite that as the intensity level of the received light signal passes through the threshold, the amount of light that is allowed to be further transmitted is substantially changed. It is believed that these amendments plainly

distinguish the prior art. Support for these amendments is readily found in the application as filed, particularly at page 8, line 23 to page 9, line 6 and at page 9, lines 16-21.

Referring to the rejection, claim 1 was rejected as anticipated by U.S. Patent No. 5,900,983 to Ford et al. (hereinafter "Ford"). As previously discussed by the Applicant, Ford discloses an attenuator that alters its attenuation level based on the measured intensity of an incoming light signal so as to maintain a relatively constant output. Thus, as the Examiner correctly noted, in a circumstance of an unusually large input signal, that input signal would be substantially prevented from passing through the light receiving unit of Ford since only a relatively small amount of the input signal would be used to achieve the desired output.

However, Ford does not teach a device or method wherein when an intensity level is on one side of the threshold, the light is substantially prevented from being transmitted and when the intensity level is on the other side, the light is substantially allowed to be transmitted. In other words, as the intensity level of the received light passes through the threshold, the amount of light that is allowed to be transmitted changes substantially.

Claim 1, as amended, recites these limitations.

Instead, Ford only teaches incremental and gradual changes in the amount of light that is allowed to be transmitted. In Ford, the transition between substantially preventing transmission of received light and substantially allowing is gradual and extended.

Therefore, it is respectfully submitted that claim 1, as amended, is patentable over the prior art and the rejection of claim 1 has been overcome.

*Discussion Regarding Patentability of Claims 2-5 and 7*

Claims 2-5 and 7 also stand rejected as being anticipated by Ford. Claims 2-5 and 7 all depend from and incorporate all of the limitations of claim 1. As a result, it is respectfully submitted that the rejection of claims 2-5 and 7 has been overcome for at least the same reasons as those set forth above in connection with claim 1.

*Discussion Regarding Patentability of Claim 8*

Claim 8 also stands rejected as being anticipated by Ford. Claim 8 has been amended to include the limitation that was discussed above with respect to claim 1. Accordingly, for the same reasons set forth above with respect to claim 1, Applicant respectfully submits that claim 8, as amended, is patentable over the prior art and the rejection of claim 8 has been overcome.

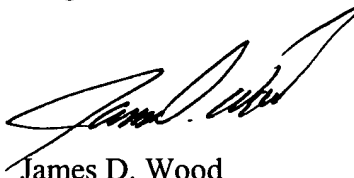
*Discussion Regarding Patentability of Claims 9-11*

Claims 9-11 also stand rejected as being anticipated by Ford. Claims 9-11 all depend, either directly or by way of an intermediate claim, from and incorporate all of the limitations of claim 8. As a result, it is respectfully submitted that the rejection of claims 9-11 has been overcome for at least the same reasons as those set forth above in connection with claim.

## II. Conclusion

For all of the foregoing reasons, it is respectfully submitted the Applicant has made a patentable contribution to the art. Therefore, entry of the above amendment and favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,  
Maginot, Moore & Beck

A handwritten signature in black ink, appearing to read "James D. Wood", is written over the printed name.

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